



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

CONSTRUCTION CODE COMMISSION

Ottawa Building, Upper Level Conference Room #4
611 West Ottawa Street
Lansing, Michigan 48933

APPROVED 10/11/2017

MINUTES – OPEN SESSION

July 12, 2017

9:00 a.m.

MEMBERS PRESENT

Mr. William Benoit, Jr., Chairperson
Dr. Joseph Sucher
Mr. Daryl Gallant
Mr. Donald Staley
Mr. Frederick Butters
Mr. Greg Pollock
Mr. James Cripps
Mr. Kenneth Misiewicz
Mr. Michael Boss
Mr. Roger Papineau
Mr. Thomas Erdman
Mr. Thomas Baldwin

MEMBERS ABSENT

Mr. Adam Krouse
Mr. Daniel Nixon
Mr. Matt Zurbrick
Mr. Matthew Reno
Mr. William Duffield

DEPARTMENT PERSONNEL ATTENDING

Mr. Keith Lambert, Director, BCC
Ms. LeeAnn Allaire, Manager, Administrative Services Division, BCC
Mr. Joseph Madziar, Chief, Plumbing Division, BCC
Mr. Stanley Skopek, Chief, Permits and Plan Review Division, BCC
Mr. James Green, Architect, Permits and Plan Review Division, BCC
Ms. Tracie Pack, Department Analyst, Administrative Services Division, BCC
Ms. Sara Leiby, Secretary, Administrative Services Division, BCC
Mr. Bill Denner, Assistant Attorney General

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Benoit called the meeting to order at 9:00 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Commissioner Misiewicz and **SECONDED** by Commissioner Sucher to approve the agenda. **MOTION CARRIED.**

3. CLOSED SESSION – CONSULTATION WITH COUNSEL

At 9:05 a.m., the Commission adjourned to close session to consult with counsel.

4. END CLOSED SESSION

The Board came back into Open Session at 9:48 a.m.

5. APPROVAL OF MINUTES

A **MOTION** was made by Commissioner Sucher and **SECONDED** by Commissioner Baldwin to approve the minutes for the April 12, 2017 meeting. **MOTION CARRIED.**

6. NEW BUSINESS

A. Checklist for Applications to Administer and Enforce

A **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Sucher to approve the checklist for Applications to Administer and Enforce to supplement the current application. **MOTION CARRIED.**

7. UNFINISHED BUSINESS

A. Appeals to Commission, MCL 125.1516

i. Jonathan Boskovich (Charter Oaks Development/Island Lakes Development) vs. City of Taylor

Mr. Jonathan Boskovich's, Infinity Construction Services, previously granted Application for Construction Code Appeal, to allow installation of guard railing on the rear door wall as an alternate barrier in lieu of the requirements of the 2015 Michigan Residential Code, Section R311.3, at Charter Oaks Subdivision, specifically homes located at: 11617 and 11659 Golfcrest Dr; and 26632, 26626, 11889, 11935, 11977, 11848 and 11740 Lake Pointe Dr. was presented to the Commission for reconsideration due to discrepancies between the information the Commission based its decision on and the information the City of Taylor's Construction Board of Appeals based its decision on.

Mr. Boskovich was not present for the review. Mr. Jesse Harrington, City of Taylor Building Official, was present for the review.

Following review and discussion, a **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Misiewicz to sustain the previous decision to grant Mr. Boskovich's appeal of the City of Taylor's Construction

Board of Appeals' denial of a variance thereby allowing installation of guard railing as an alternate barrier at the above addresses. **MOTION CARRIED.**

B. Petition for Approval/Certificate of Acceptability, MCL 125.1521

i. Liberty Pumps Inc., Liberty Pumps ELV OilTector® Elevator Sump Pump Systems

Mr. Jeffrey Waterman's Petition Application for Certificate of Acceptability from Liberty Pumps, Inc. for ELV OilTector® Elevator Sump Pump Systems, including ELV OilTector®, ELV Auto-Valve OilTector® and ELV Duplex OilTector® models, was presented to the Commission for reconsideration. Mr. Waterman was not present for the review.

Following discussion, a **MOTION** was made by Commissioner Misiewicz and **SECONDED** by Commissioner Boss to approve the Petition Application for Certificate of Acceptability for Liberty Pumps ELV OilTector® Elevator Sump Pump Systems based on certificates and technical documents submitted. **MOTION CARRIED.**

ii. Northern Concrete Pipe, Inc., Precast Concrete Grease Interceptors

Mr. John Balogh's Petition Application for Certificate of Acceptability from Northern Concrete Pipe, Inc. for Precast Concrete Grease Interceptors, including 500, 750, 1000, 1500, 2000, 2500, 3000, 3500 and 4000 gallon models, was presented to the Commission for reconsideration. Mr. Balogh was present for the review.

Following discussion, a **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Sucher to approve the Petition Application for Certificate of Acceptability for Precast Concrete Grease Interceptors based on materials presented and the seal of the engineer representing Delta to its compliance with ASTM Designation: C1613-10 Standard Specification for Precast Concrete Grease Interceptor Tanks. **MOTION CARRIED.**

iii. Waste Water Heat Transfer Systems, Heat Wave (Liquid to Liquid Heat Recovery Unit)

Mr. Bruno Casadei's Petition Application for Certificate of Acceptability from Waste Water Heat Transfer Systems, LLC for Heat Wave (Liquid to Liquid Heat Recovery Unit), model W2-80-4-1, was presented to the Commission for reconsideration. Mr. Casadei was present for the review.

Following discussion, a **MOTION** was made by Commissioner Erdman and **SECONDED** by Commissioner Baldwin to approve the Petition Application

for Certificate of Acceptability for Heat Wave (Liquid to Liquid Heat Recovery Unit) based on the certification submitted. **MOTION CARRIED.**

iv. Huber Engineered Woods, LLC, ZIP System Roof and Wall Sheathing

Mr. Ken Hix's Petition Application for Certificate of Acceptability from Huber Engineered Woods, LLC for ZIP System Roof and Wall Sheathing was presented to the Commission. Mr. Hix was not present for the review.

Following discussion, a **MOTION** was made by Commissioner Papineau and **SECONDED** by Commissioner Boss to approve the Petition Application for Certificate of Acceptability for ZIP System Roof and Wall Sheathing based on documentation submitted. **MOTION CARRIED.**

C. Applications to Administer and Enforce, MCL 125.1508b

i. City of Highland Park, Building, Electrical, Mechanical and Plumbing

Mr. Jack Williams, Building Official, and Ms. Yvette Robinson, Department of Community and Economic Development Director, presented the City of Highland Park's Application to Administer and Enforce to the Commission.

Following discussion, a **MOTION** was made by Commissioner Misiewicz and **SECONDED** by Commissioner Baldwin to approve the City of Highland Park's Application to Administer and Enforce based on information submitted effective August 1, 2017. **MOTION CARRIED.**

ii. Tuscola Township, Building Electrical, Mechanical and Plumbing

Mr. Michael Setzer, Building Official, and Mr. Tod Fackler, Supervisor, presented Tuscola Township's Application to Administer and Enforce to the Commission.

Following discussion, a **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Sucher to approve Tuscola Township's Application to Administer and Enforce based on information submitted and testimony provided effective January 1, 2018. **MOTION CARRIED.**

iii. Village of Burlington, Building, Electrical, Mechanical and Plumbing

Mr. Glenn Lindsey, SAFEbuilt, presented the Village of Burlington's Application to Administer and Enforce to the Commission.

Following discussion, a **MOTION** was made by Commissioner Erdman and **SECONDED** by Commissioner Gallant to approve the Village of Burlington's

Application to Administer and Enforce based on information submitted effective August 1, 2017. **MOTION CARRIED.**

8. APPLICATIONS TO ADMINISTER AND ENFORCE, MCL 125.1508b

The Commission discussed the receipt and review process for Applications to Administer and Enforce.

Following discussion, a **MOTION** was made by Chairperson Benoit and **SECONDED** by Commissioner Misiewicz to implement a 60 day cutoff prior to each Commission meeting for submittals of Applications to Administer and Enforce. **MOTION CARRIED.**

A. Village of Emmett, Building, Electrical, Mechanical and Plumbing

Mr. Richard Pierce, Village President, presented the Village of Emmett's application for Emmett Township to administer and enforce within the Village to the Commission.

Following discussion, a **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Sucher to postpone consideration of the Village of Emmett's Application to Administer and Enforce to allow time for the applicant to provide a corrected ordinance which includes each discipline in which the Village is assuming responsibility to administer and enforce and corrected fee schedule to remove fees for violations that are not permissible per statute. **MOTION CARRIED.**

B. City of Grand Blanc, Electrical, Mechanical and Plumbing

Ms. Wendy Jean-Buhrer, City Manager, Bethany Smith, City Clerk, and Mr. Ted Szczepanski, Building Official, presented the City of Grand Blanc's Application to Administer and Enforce to the Commission.

Following discussion, a **MOTION** was made by Commissioner Erdman and **SECONDED** by Commissioner Baldwin to approve the City of Grand Blanc's Application to Administer and Enforce based on information submitted effective September 1, 2017. **MOTION CARRIED.**

C. Moorland Township, Mechanical

Mr. Daniel Nutt, Supervisor, and Mr. Greg Mason, Building Official, presented Moorland Township's Application to Administer and Enforce to the Commission.

Following discussion, a **MOTION** was made by Commissioner Cripps and **SECONDED** by Commissioner Boss to postpone consideration of Moorland

Township's Application to Administer and Enforce to allow time for the applicant to provide a revised budget which indicates how the 10% of the fees collected will be used by the municipality and indicate the makeup of the Construction Board of Appeals' members and process. **MOTION CARRIED.**

**D.-G. Village of White Pigeon, Building, Electrical, Mechanical and Plumbing
Village of Marcellus, Building, Electrical, Mechanical and Plumbing
Village of Centreville, Mechanical and Plumbing
Volinia Township, Building, Electrical, Mechanical and Plumbing**

Mr. Doug Kuhlman, Zoning Administrator and Code Compliance Officer, Mr. Randy Schmeling, Building Official and Mr. Ronald Bellaire, Electrical Official, presented the joint Applications to Administer and Enforce for the Village of White Pigeon, Village of Marcellus, Village of Centreville and Volinia Township to the Commission.

Following discussion, a **MOTION** was made by Commissioner Boss and **SECONDED** by Commissioner Baldwin to approve the joint Applications to Administer and Enforce for the Village of White Pigeon, Village of Marcellus, Village of Centreville and Volinia Township based on the information submitted effective August 1, 2017. **MOTION CARRIED.**

H. Township of Rollin, Mechanical and Plumbing

Ms. Irma David, Township Supervisor, and Mr. Bruce Nickel, Building Official, presented the Township of Rollin's Application to Administer and Enforce to the Commission.

Following discussion, a **MOTION** was made by Commissioner Erdman and **SECONDED** by Commissioner Sucher to approve the Township of Rollin's Application to Administer and Enforce based on information submitted effective August 1, 2017. **MOTION CARRIED.**

I. City of Fenton, Electrical, Mechanical and Plumbing

Mr. Michael Reilly, Building Official, requested the Commission postpone consideration of the City of Fenton's Application to Administer and Enforce to allow time for review of additional information submitted at the meeting.

A **MOTION** was made by Commissioner Boss and **SECONDED** by Commissioner Papineau to postpone consideration of the City of Fenton's Application to Administer and Enforce to allow time for the Commission to review the additional information provided. **MOTION CARRIED.**

9. APPEALS TO COMMISSION

A. Brandon Sundberg (Greenhills School) vs. State of Michigan

Mr. Brandon Sundberg's, Integrated Design Solutions, LLC, Application for Construction Code Appeal for Greenhills School for relief from the requirements of Sections 1009.15, 1009.7 and 1108.2.2 of the 2012 Michigan Building Code (MBC) was presented to the Commission.

Mr. Brian Ingham, AIA, Integrated Design Solutions, and Mr. Skopek were present for the review.

The Commission did not review the appeal for relief from the requirements of Section 1108.2.2 of the 2012 MBC which is not within the Commission's authority.

Following review and discussion, a **MOTION** was made by Commissioner Boss and **SECONDED** by Commissioner Papineau to approve Mr. Sundberg's appeal for Greenhills School based upon the three responses provided by the applicant in the May 26, 2017 letter and agreement with the applicant that the tiered platform should not be defined as a stairway. **MOTION CARRIED.**

B. David Gassen (Kalamazoo Covenant Academy) vs. State of Michigan

Commissioner Butters recused himself prior to the deliberation on this matter due to a conflict of interest.

Mr. David Gassen's, AIA, PARTNERS in Architecture, PLC, Application for Construction Code Appeal for Kalamazoo Covenant Academy for relief from the requirements of Sections 1104.3, 1018.1, 1018.2, 1029, 1106.1 and 1109.2 of the 2012 MBC and Table 404.2.3.2 of the 2009 ICC/ANSI A117.1 Accessible and Usable Buildings and Facilities as required by Section 1101.2 of the 2012 MBC was presented to the Commission.

Mr. Gassen, applicant, Mr. Jon Felske, Chief Executive Officer of Covenant Academies Foundation, Mr. Lester Gilbert, Construction Manager, Mr. Darren McKenna, RA, PARTNERS in Architecture, PLC, Mr. Brian Williams, Bureau of Fire Services Representative, and Mr. Skopek were present for the review.

The Commission did not review the appeal for relief from the requirements of Sections 1104.3, 1106.1 and 1109.2 of the 2012 MBC and Table 404.2.3.2 of the 2009 ICC/ANSI A117.1 which are not within the Commission's authority.

During the review, the applicant clarified that the appeal is only for relief from the requirements of Sections 1018.1 for the required rated corridor for Stairs 122 and

1018.2 for the required corridor width for Vestibule 110. The applicant no longer requires relief from Section 1029.

Following review and discussion, a **MOTION** was made by Commissioner Baldwin and **SECONDED** by Commissioner Cripps to deny Mr. Gassen's appeal for Kalamazoo Covenant Academy for relief from the requirements of Section 1018.1 since the code is clear and the designers elected to use the MBC opposed to the Michigan Rehabilitation Code for Existing Buildings and Section 1018.2 since the alterations could have accommodated the required corridor width. **MOTION CARRIED.**

10. PETITION FOR APPROVAL/CERTIFICATE OF ACCEPTABILITY, MCL 125.1521

A. Penner Manufacturing Inc., Cascade Comfort Bathing System

Mr. Ken Hix's petition application for a certificate of acceptability from Huber Engineered Woods, LLC for ZIP System Roof and Wall Sheathing was presented to the Commission. Mr. Hix was not present for the review.

Following discussion, a **MOTION** was made by Commissioner Misiewicz and **SECONDED** by Commissioner Boss to approve the petition application for product approval based on certificates and technical documents submitted. **MOTION CARRIED.**

11. BUREAU REPORT

Mr. Lambert provided information on the following:

A. Ski and Amusement Programs

The Ski and Amusement Programs from the Bureau of Corporations, Securities, & Commercial Licensing will transfer to the Bureau of Construction Codes and merge with the Elevator Division by the end of this year.

B. U.S. Department of Housing and Urban Development

Effective May 15, 2017, the U.S. Department of Housing and Urban Development oversees the manufactured housing installation program in Michigan and information on the program is available on the Bureau's website.

C. Carbon Monoxide Detection Legislation

Proposed legislation regarding carbon monoxide detection, which includes Senate Bill 379 and House Bills 4660 and 4758.

D. National Fire Protection Association's Codes and Standards Available Online

A link is available on the Bureau's website for free online access to the National Fire Protection Association's codes and standards.

E. Part 4 Building Code Emergency Rules

The Emergency Rules excluding Sections 423.3 and 423.4 from the Michigan Building Code requiring storm shelters took effect on June 13, 2017 and shall remain in effect for six months. Part 4 of the Michigan Building Code to exclude these sections is being proposed under the 2017-030 LR rule set.

F. Lean Process Improvement

The Bureau underwent a Lean Process Improvement (LPI) for rule and code promulgation to reduce the Department's internal timeframe on the process. Mr. Lambert summarized the significant changes with the new process.

G. Part 8 Electrical Rules

The Part 8 Electrical Rules are currently open to adopt the 2017 National Electrical Code and is following the new rules promulgation process developed during LPI.

H. Website Update

The Bureau's website, www.michigan.gov/bcc, is being updated to provide for more efficient organization of information.

I. Delegation to Administer and Enforce

Currently, the Bureau has 14% mechanical, 11% electrical, 16% plumbing, and 3% building code authority in the State. Since 2013, the Bureau has not filled 3 mechanical, 2 electrical, 2 plumbing, and 2 building inspector vacancies. Additionally, the Bureau had to eliminate 2 building inspectors during that timeframe due to the delegation of authority to governmental subdivisions. The Bureau respectfully requested the Commission to consider the expected negative outcomes the Bureau will be subject to for the lawfully sound decisions made regarding the delegation of a governmental subdivision to administer and enforce 1972 PA 230 and the applicable code(s).

12. PUBLIC COMMENT

- A.** Mr. Lee Schwartz, Executive Vice President of the Home Builders Association of Michigan, provided history of local municipalities hiring of contractors, which are not considered employees, to administer and enforce the act and code for

municipalities and violations that have occurred in some of these instances. Mr. Schwartz requests thorough review of Applications to Administer and Enforce.

13. 2017 MEETING DATES

The Commission is scheduled to meet at 9:30 a.m. at 611 W. Ottawa, Lansing, MI 48933 in Upper Level Conference Room #4 on October 11, 2017.

14. ADJOURNMENT

A **MOTION** was made by Commissioner Cripps and **SECONDED** by Commissioner Gallant to adjourn the meeting at 1:12 p.m. **MOTION CARRIED.**